

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Damian Fiolka et al. Art Unit : 2872
Serial No. : 10/580,698 Examiner : Jade R. Callaway
Filed : November 29, 2006 Conf. No. : 5439
Title : POLARIZATION-MODULATING OPTICAL ELEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER UNDER 37 C.F.R. §§ 3.73(b) AND 1.321(C)

Pursuant to 37 C.F.R. § 3.73(b), CARL ZEISS SMT AG, a corporation, certifies that it is the assignee of the entire right, title, and interest in the present application by virtue of an assignment from the inventors of the present patent application. The assignment was recorded in the Patent and Trademark Office at Reel 018564, Frame 0922 on November 29, 2006.

The undersigned is empowered to act on behalf of the assignee.

Pursuant to 37 C.F.R. § 1.321(c), and to obviate a double patenting rejection, the assignee identified above hereby waives and disclaims the terminal portion of the term of the entire patent to be granted upon the present application subsequent to the expiration date of the patent to issue from U.S. application serial no. 12/200,068, provided that the patent granted on the present application shall be enforceable only for and during such period that it is commonly owned with the patent to issue from U.S. application serial no. 12/200,068.

The assignee identified above does not disclaim any terminal part of any patent granted on the present application prior to the expiration date of the full statutory term of the patent to issue from U.S. application serial no. 12/200,068, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title as stated above. Assignee herein does not disclaim or otherwise affect any part of the patent to issue from U.S. application serial no. 12/200,068.

CERTIFICATE OF MAILING BY EFS-WEB FILING

I hereby certify that this paper was filed with the Patent and Trademark Office using the EFS-WEB system on this date: April 23, 2009

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Attorney's Docket No.: 20228-0013US1 / 06 179

This disclaimer runs with the patent granted on the present application and is binding upon the grantee, its successors or assigns.

The fees in the amount of \$140 for the required fee pursuant to 37 C.F.R. § 1.20(d) are being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply any other charges or credits to Deposit Account No. 06-1050, referencing attorney docket no. 20228-0013US1.

Respectfully submitted,

Date: April 23, 2009

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